

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6926

BILL NUMBER: HB 1801

DATE PREPARED: Jan 18, 1999

BILL AMENDED:

SUBJECT: Tort claims for hazardous activities.

FISCAL ANALYST: Susan Preble

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**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill provides that public and private owners and operators of skate parks or recreation areas are immune from civil damages for injuries caused by skating, if: (1) the owner or operator requires that each user of the park or recreation area wear a helmet, elbow pads, and knee pads; (2) the facility is designed or maintained for the purpose of recreational skating use; and (3) the facility is not supervised by the person on a regular basis.

Effective Date: July 1, 1999.

Explanation of State Expenditures: Passage of this bill potentially decreases the number of lawsuits filed because it confers civil immunity to both public and private owners and operators of skateboard parks or recreation areas under certain conditions.

The specific fiscal impact of this bill is indeterminable. Any cost savings would depend on the number of lawsuits that would have been filed against the state for civil damages for injuries caused by skateboarding.

The Office of the Attorney General reports the amount of damages paid as a result of all tort claims submitted and tort claim lawsuits filed against the State and by plaintiffs in tort and civil rights litigation between CY 1992 and CY 1997 as follows:

<u>CY</u>	<u>Damages Paid</u>
1997	\$3,438,230
1996	\$5,742,977
1995	\$6,362,071
1994	\$8,060,838
1993	\$4,048,126
1992	\$3,456,495

The amount paid includes tort claims paid at the time of claim submission, settlements upon the filing of lawsuits, and as a result of a court order. It also includes cases in both federal and state court.

Explanation of State Revenues: If the proposal decreases the number of civil actions that would have occurred, the state would experience a decrease in revenue from filing fees that are deposited in the State General Fund.

Explanation of Local Expenditures: The fiscal impact is indeterminable, and any cost savings to local political units would depend on the number of lawsuits that would have been filed against the local unit for civil damages for skateboarding injuries.

Explanation of Local Revenues: If the proposal decreases the number of civil actions that would have occurred, the state would experience a decrease in revenue from filing fees that are deposited in county general funds.

State Agencies Affected: Office of the Attorney General.

Local Agencies Affected: Counties; cities and towns; clerks.

Information Sources: Barbara Crawford (232-6217), Office of the Attorney General; IC 34-13-3.